

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

No. Civ. 66-06639 MV/WPL

R. LEE AAMODT *et al.*,

Defendants,

and

UNITED STATES OF AMERICA,

PUEBLO DE NAMBÉ,

PUEBLO DE POJOAQUE,

PUEBLO DE SAN ILDEFONSO,

and PUEBLO DE TESUQUE,

Plaintiffs-in-Intervention.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the State of New Mexico's ("State") Motion to Reconsider Supplemental Procedural Order (Doc. No. 6577, filed January 13, 2009). For the reasons stated below, the Court will **GRANT** the Motion.

On December 18, 2008, the Court entered its Supplemental Procedural Order (Doc. No. 6524) instructing the State to serve all claimants with a letter in Spanish informing the claimants that they may request a service package in Spanish, the Court's concern being that some claimants may not understand English. The State asks the Court to withdraw its Supplemental Procedural Order on the grounds that (1) there is no need for additional translation and service, and (2) the additional translation and service will place an onerous burden on the State and significantly delay completion of the adjudication. (Mot. at 3-4). There were no responses in opposition to the State's Motion.

The State contends that the additional translation and service is not needed because the State has published notices in Spanish and has provided Spanish-speaking staff at the Office of the State Engineer to assist Spanish-speaking claimants. (Mot. at 3). The State is also working with the Utton Center to provide information and Spanish language services to claimants regarding their water rights priorities:

The Utton Center has contracted with an attorney fluent in Spanish and experienced in adjudications to assist any *pro se* Spanish-speaking claimants to participate in the adjudication and understand the legal proceedings. The Center has developed and translated into Spanish a flyer providing detailed instructions for *pro se* claimants regarding the adjudication of surface water rights priorities and a toll free number for the Center.

(*Id.*). The State plans to work with the Utton Center to implement a similar arrangement in the proceedings to adjudicate the post-1982 domestic wells. (*Id.*).

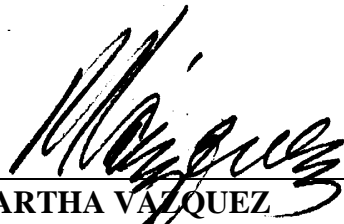
The State also contends that the additional translation and service will place a considerable burden on the State and the other parties, and will likely significantly delay completion of the adjudication. “Service of only the Notice and Order to Show Cause to the 5,500 surface water rights claimants or owners already served since June 2008 has cost the State over \$12,000.” (Mot. at 4). Other parties will have to translate any Spanish documents into English. The State also asserts that the “practical difficulties of conducting *inter se* proceedings between thousands of parties with documents in two or more languages would significantly delay progress in this adjudication.” (*Id.*). Finally, the State argues that the additional translation is not required by law and suggests that the Supplemental Procedural Order “may have the unintended effect of seeming to call into question the sufficiency of past service in this adjudication or other ongoing adjudications.” (*Id.* at 3-4).

The Court will vacate its Supplemental Procedural Order (Doc. No. 6524, filed December 18, 2009).

The State shall resume filing quarterly status reports on the adjudication of the post-1982 domestic wells and surface water rights priorities with the next status reports due April 15, July 15, and October 15, 2009, and January 15, 2010.

IT IS SO ORDERED.

Dated this 25th day of February, 2009.



MARTHA VAZQUEZ
CHIEF UNITED STATES DISTRICT JUDGE